

RECEIVED  
FEDERAL ELECTION  
COMMISSION

**Albertson For Congress**

**P. O. Box 636**

**Granville, Ohio 43023**

2016 NOV -9 AM 9:47

OFFICE OF GENERAL  
COUNSEL

November 7, 2016

Federal Election Commission  
Office of Complaints Examination & Legal Administration  
Attn: Mary Beth deBeau, Paralegal  
999 E. Street, NW  
Washington, D.C. 20463

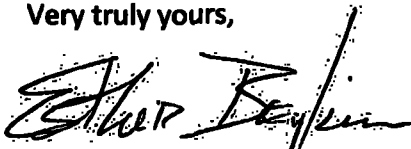
RE: MUR 7154

Dear Ms. deBeau:

Enclosed please find the response of Albertson For Congress and Esther Boykin, in her official capacity as treasurer, in the above-captioned Matter Under Review. Included with the response are declarations provided by the candidate, Ed Albertson, and Esther Boykin.

Thank you for your assistance in this matter. Should you need any additional information, please feel free to contact us.

Very truly yours,



Esther Boykin, Treasurer  
Albertson For Congress

Enclosures: Response  
Albertson Declaration  
Boykin Declaration

## **FEDERAL ELECTION COMMISSION**

Kathleen M. Eagan  
211 South Fifth Street  
Columbus, Ohio 43215  
Complainant

v.

**MUR # 7154**

Ohio Democratic Party  
340 East Fulton Street  
Columbus, Ohio 43215  
Respondent

### **RESPONSE OF ALBERTSON FOR CONGRESS AND ESTHER BOYKIN, IN HER OFFICIAL CAPACITY AS TREASURER**

The Complaint, directed against the Ohio Democratic Party ("ODP"), has been read to potentially implicate Albertson For Congress and Esther Boykin, in her official capacity as treasurer, in alleged violations of Federal Election Law, specifically, portions of 11 C.F.R. §110.

Albertson For Congress and Esther Boykin, in her official capacity as treasurer, assert that they have not violated 11 C.F.R. §110, and for the reasons set forth below, respectfully request that the Federal Election Commission ("the Commission") dismiss them from this Matter Under Review ("MUR").

#### **I. Respondents Did Not Pay For The Communications At Issue**

The Albertson For Congress committee did not pay -- in whole or in part -- for the campaign materials alleged to be in violation of law. (Albertson Declaration, ¶ 8; Boykin Declaration, ¶ 5)

The Albertson For Congress committee has not been informed of any in-kind campaign contribution from the ODP. (Boykin Declaration, ¶ 6)

#### **II. Respondents Did Not Authorize The Communications At Issue**

Neither Albertson For Congress, Esther Boykin, nor the candidate, Ed Albertson, authorized the communications at issue. (Albertson Declaration, ¶ 9, 10; Boykin Declaration, ¶ 8, 9)

III. Respondents Are Not Responsible For Any Violations Of 11 C.F.R. §110

Other than the candidate's providing a photograph to the ODP, no one associated with the Albertson For Congress committee had any involvement with the ODP's creation, design, production, or dissemination of any campaign literature. (Albertson Declaration, ¶ 4, 5, 9, 10; Boykin Declaration, ¶ 7, 8, 9) Should the Commission consider the provision of the photograph as authorization, Respondents respectfully disagree. Note that in his response the candidate did not comment on the "proof" which was attached to the email he received. (Exhibit B, attached) In addition, the "proof" is not among the exhibits to the Complaint, and thus, is not one of the items at issue. (Exhibit A, attached) The candidate, the Albertson For Congress committee, and Esther Boykin were never afforded any opportunity to review and authorize, or decline to authorize, the campaign literature at issue in this MUR.

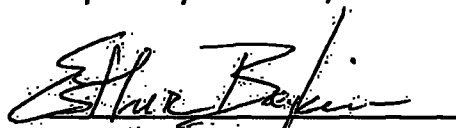
Simply put, the campaign literature at issue (Complaint Exhibits A - D) is not the work of Albertson For Congress or Esther Boykin, in her official capacity as treasurer. A candidate's committee or treasurer cannot reasonably be expected to police the activities of others of which they have no knowledge or to police the activities of a long-standing statewide political party on whom they should reasonably be able to rely for the production of legally acceptable campaign literature.

IV. Respondents' Request For Relief

Respondents respectfully request that the Commission:

- 1) find no reason to believe that Albertson For Congress or Esther Boykin, in her official capacity as treasurer, violated 11 C.F.R. §110;
- 2) impose no penalties against Albertson For Congress or Esther Boykin, in her official capacity as treasurer; and,
- 3) dismiss both Albertson For Congress and Esther Boykin, in her official capacity as treasurer, from this MUR.

Respectfully submitted,

  
Esther Boykin, Treasurer  
Albertson For Congress

# Fwd: Licking Chase Piece

Grace Cherrington

Thu 9/29/2016 1:54 PM

To: Vickie Fogarty

Ed Albertson

1 attachments (301 KB)

ODP16116\_Licking\_Slate\_9\_29\_v1.pdf;

Please email Nelson the picture you want on this and cc me so I know they have it.

----- Forwarded message -----

From: Nelson Devezin <[nelson@ohiodems.org](mailto:nelson@ohiodems.org)>

Date: Thu, Sep 29, 2016 at 1:17 PM

Subject: Licking Chase Piece

To: Grace Cherrington

Hi there, the proof is attached. Please let me know who to highlight and send me their bullet points and pics. Also, send any issue numbers you want listed.

*Nelson Devezin*

Political Director

Ohio Democratic Party

614-313-6431

[nelson@ohiodems.org](mailto:nelson@ohiodems.org)

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it.

Exhibit A

11/2/2016



**OHIO DEMOCRATIC PARTY**

340 EAST FULTON STREET | COLUMBUS, OH 43215  
ODP16116\_LICKING

NON PROFIT ORG  
US POSTAGE  
PAID  
OHIO DEMOCRATIC PARTY



*Hillary Clinton*



*Ted Strickland*



*Ed Albertson*

*Join us in endorsing  
your state and local  
Democratic candidates.*

**Joseph Begeny**  
State House District 71

**John Carlisle**  
State House District 72

**James Snedden, Jr.**  
Commissioner

**Chris Shook**  
Prosecuting Attorney

**Randy Morton**  
Sheriff

**Stephanie Dodd**  
State School Board 9<sup>th</sup> District

**Judge John P. O'Donnell**  
Supreme Court Justice

**Judge Cynthia Rice**  
Supreme Court Justice

**Earle E. Wise**  
5<sup>th</sup> District Court of Appeals

**Philip L. Proctor**  
Domestic Relations Court

Vote early or on **ELECTION DAY NOV. 8.** [OhioTogether.com](http://OhioTogether.com)

## Standing up for Licking County

**Name Here**  
Title Here

- Bullet point text goes here  
lorem ipsum hil ium recilia est  
del molo.
- Bullet point text goes here  
lorem ipsum hil ium recilia est  
del molo.

**Name Here**  
Title Here

- Bullet point text goes here  
lorem ipsum hil ium recilia  
est del molo.
- Bullet point text goes here  
lorem ipsum hil ium recilia  
est del molo.

Subj: Fwd: Ed Albertson picture for  
Date: 11/1/2016 7:30:08 P.M. Eastern Daylight Time  
From: [albertson4congress@gmail.com](mailto:albertson4congress@gmail.com)  
To:

Here is that message

Sent from Ed's iPad

Begin forwarded message:

From: Nelson Devezin <[nelson@ohiodems.org](mailto:nelson@ohiodems.org)>  
Date: October 3, 2016 at 10:42:11 AM EDT  
To: Edward Albertson <[albertson4congress@gmail.com](mailto:albertson4congress@gmail.com)>  
Cc: Grace Cherrington, Vickie Fogarty

Subject: Re: Ed Albertson picture for

This is perfect, thanks Ed.

On Fri, Sep 30, 2016 at 7:37 AM, Edward Albertson <[albertson4congress@gmail.com](mailto:albertson4congress@gmail.com)> wrote:  
Nelson,

Grace said you were looking for a picture to add to our Licking County "chase piece."

Will this suffice? It can be cropped appropriately.

Please confirm this is acceptable.

Do you need anything else from us?

Thanks, Ed

Sent from Ed's iPad

Nelson Devezin  
Political Director  
Ohio Democratic Party  
614-313-6431  
[nelson@ohiodems.org](mailto:nelson@ohiodems.org)

Exhibit B

**FEDERAL ELECTION COMMISSION**

Kathleen M. Eagan  
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Columbus, Ohio 43215  
Complainant

MUR # 7154

v.

Ohio Democratic Party  
340 East Fulton Street  
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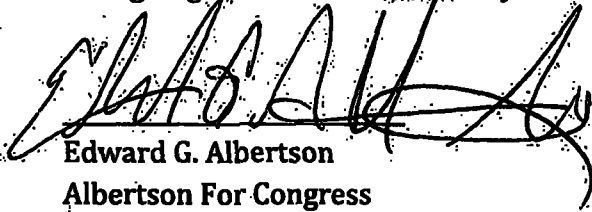
**DECLARATION OF EDWARD G. ALBERTSON**

I, Edward G. Albertson, hereby declare as follows:

1. I have personal knowledge of the information contained in this Declaration.
2. I am a candidate for the U.S. House of Representatives for the 12<sup>th</sup> District of Ohio.
3. My campaign committee is Albertson For Congress.
4. On or about September 29, 2016, I received a message from the Licking County Democratic Party Chairperson, Grace Cherrington, asking me to send a photograph to Nelson Devezin at the Ohio Democratic Party ("ODP") for a mailing piece for Licking County.
5. On September 30, 2016, I emailed a photograph to Nelson Devezin at ODP.
6. Other than providing a photograph to the ODP, I had no involvement in the creation or dissemination of any of the items attached to the complaint as exhibits.
7. Until the complaint was brought to my attention and I saw the exhibits attached to it, I was unaware that the ODP had actually used the photograph in campaign literature.
8. Albertson For Congress made no payments to the ODP in support of any of the exhibit items, or any other campaign literature.
9. I did not authorize any of the exhibit items, or any other ODP campaign literature.

10. To my knowledge no member of the Albertson For Congress committee authorized any of the exhibit items, or any other ODP campaign literature.

Under penalty of perjury, I declare that the foregoing is true to the best of my knowledge and belief.



Edward G. Albertson  
Albertson For Congress  
P.O. Box 636  
Granville, Ohio 43023

5 November 2016  
Date

1004447100



## **FEDERAL ELECTION COMMISSION**

**Kathleen M. Eagan  
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Columbus, Ohio 43215  
Complainant**

**MUR # 7154**

**v.**

**Ohio Democratic Party  
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Columbus, Ohio 43215  
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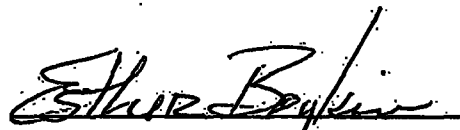
### **DECLARATION OF ESTHER BOYKIN**

**I, Esther Boykin, hereby declare as follows:**

- 1. I have personal knowledge of the information contained in this Declaration.**
- 2. I serve in a volunteer capacity as the treasurer for the Albertson For Congress committee, the committee for Ed Albertson's candidacy for the U.S. House of Representatives for the 12<sup>th</sup> District of Ohio.**
- 3. The Albertson For Congress committee received the correspondence from the Federal Election Commission ("FEC") containing the complaint cited above on October 27, 2016.**
- 4. Prior to receiving the complaint I had never seen and had no knowledge of any of the items attached to the complaint as exhibits, including the two which bear Ed Albertson's name and, in one case, also his photograph.**
- 5. The Albertson For Congress committee did not pay for the design, production, or distribution of any of the items attached as exhibits to the complaint. In addition, the Albertson For Congress committee made no financial contribution to the Ohio Democratic Party ("ODP") toward the design, production, or distribution of any of the exhibits.**

6. As of this date, the Albertson For Congress committee has received no notification of any in-kind contribution from the ODP.
7. I did not communicate or coordinate with ODP regarding the design, production, or distribution of any of the items attached to the complaint as exhibits, including the two which bear Ed Albertson's name and, in one case, also his photograph.
8. I did not authorize any of the communications attached to the complaint as exhibits, or any other ODP campaign materials.
9. To my knowledge neither the candidate, Ed Albertson, nor any member of the Albertson For Congress committee authorized any of the communications attached to the complaint as exhibits.

Under penalty of perjury, I declare that the foregoing is true to the best of my knowledge and belief.



Esther Boykin, Treasurer  
Albertson For Congress  
P.O. Box 636  
Granville, Ohio 43023

November 4, 2016  
Date